

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

WILLIE GENE HIGHTOWER and )  
LILLIAN HIGHTOWER, )  
)  
Plaintiffs, )  
vs. ) Civil Action File No.  
)  
**PICCADILLY RESTAURANTS, LLC** )  
d/b/a Piccadilly Cafeteria; **PICCADILLY** )  
**HOLDINGS, LLC**, formerly known as )  
Piccadilly Restaurants, LLC or Reorganized )  
Piccadilly Restaurants, d/b/a Piccadilly )  
Cafeteria for self and in its legal )  
capacity as Parent or subsidiary of, )  
Successor to, Assignee of, Purchaser of, or )  
merged entity of Piccadilly Restaurants, )  
LLC; and JOHN DOE, d/b/a Piccadilly )  
Restaurants, LLC and/or as an entity having )  
assumed the 2015 debts and liabilities of )  
Piccadilly Restaurants, LLC, )  
)  
Defendants. )

## NOTICE OF REMOVAL

COME NOW, PICCADILLY RESTAURANTS, LLC, Defendant in the above-styled action, and petitions for removal of the action herein referred from the State Court of DeKalb County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division, and respectfully shows the Court the following:

1.

Petitioner was a Defendant in a civil action brought against it in the State Court of Gwinnett County, Georgia, styled Willie Gene Hightower and Lillian Hightower v. Piccadilly Restaurants, LLC d/b/a Piccadilly Cafeteria; Piccadilly Holdings, LLC, formally known as Piccadilly Restaurants, LLC or Reorganized Piccadilly Restaurants, d/b/a Piccadilly Cafeteria for self and in its legal capacity as Parent or subsidiary of, Successor to, Assignee of, Purchaser of, or merged entity of Piccadilly Restaurants, LLC; and John Doe, d/b/a Piccadilly Restaurants, LLC and/or as an entity having assumed the 2015 debts and liabilities of Piccadilly Restaurants, LLC, Civil Action No. 17-C-06926-1. On July 16, 2019, Plaintiffs voluntarily dismissed their action under O.C.G.A. § 9-2-61.

2.

Plaintiffs filed their renewed action against Defendants in the State Court of DeKalb County, Georgia, styled Willie Gene Hightower and Lillian Hightower v. Piccadilly Restaurants, LLC d/b/a Piccadilly Cafeteria; Piccadilly Holdings, LLC, formally known as Piccadilly Restaurants, LLC or Reorganized Piccadilly Restaurants, d/b/a Piccadilly Cafeteria for self and in its legal capacity as Parent or subsidiary of, Successor to, Assignee of, Purchaser of, or merged entity of Piccadilly Restaurants, LLC; and John Doe, d/b/a Piccadilly Restaurants, LLC

and/or as an entity having assumed the 2015 debts and liabilities of Piccadilly Restaurants, LLC, Civil Action No. 20-A-7858-8, which is now pending in said court. A copy of all process, pleadings, and orders served in that action are attached hereto, marked Exhibit “A”, and made a part hereof. A copy of the Answers filed by Piccadilly Restaurants, LLC, and Piccadilly Holdings, LLC, in that action is attached hereto, marked Exhibit “B”, and made a part hereof.

3.

Said renewed action was received by counsel for Petitioner on January 14, 2020. The Summons, Complaint, and Answer constitute all pleadings that have been filed in the State Court of DeKalb County. This Notice of Removal is timely filed within (30) days of service upon Defendants as required by 28 U.S.C. § 1446(b)(1). Chapman v. Trinity Highway Prod., LLC, No. 1:17-CV-575-WSD, 2017 WL 3923554, at \*3 (N.D. Ga. Sept. 7, 2017).

4.

DeKalb County, Georgia, where this lawsuit was initiated, is within the Atlanta Division of the United States District for the Northern District of Georgia.

5.

This action is one over which this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332.

6.

There is complete diversity of citizenship between the parties as required by 28 U.S.C. § 1332(a). Plaintiffs Willie Gene Hightower and Lillian Hightower are citizens and residents of Georgia.

7.

Piccadilly Restaurants, LLC's sole member is Piccadilly Investments, LLC. Piccadilly Investments, LLC's sole member is ACM Appleton, Inc. ACM Appleton, Inc., is incorporated in the state of Wisconsin and its principal office is in the state of New York.

8.

Co-Defendant Piccadilly Holdings, LLC's only members are Aslam Khan and RBS, LLC. Aslam Khan is a resident of Texas. RBS, LLC, is a Delaware Limited Liability Company whose sole member is Aslam Khan.

10.

The aforementioned civil action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332 and is one which may be removed to this Court by defendant pursuant to the provisions of 28 U.S.C. § 1441, in that this civil action is one of which the matter in controversy exceeds the sum of \$75,000.00 exclusive of interests and costs and is between citizens of

different states.

11.

Plaintiffs seek damages for his injuries including pain and suffering, special damages, loss of consortium, medical expenses and other necessary expenses in the amount of \$2,385,00.00. Based on Plaintiffs' allegations and intentions, the matter in controversy has a value, exclusive of interest and costs, in excess of \$75,000.00. (See Affidavit of Matthew A. Nanninga, attached hereto as Exhibit "C").

12.

Defendants have given written notice of the filing of the Notice of Removal to Plaintiffs and to the Clerk of the State Court of DeKalb County. A copy of the Notice of Filing the Notice of Removal is attached hereto as Exhibit "D".

13.

The undersigned have read this Notice of Removal, and to the best of undersigned's knowledge, information and belief, formed after reasonable inquiry, it is well-grounded in fact and is warranted by existing law, and this it is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, Defendants pray that this petition be filed, and that said action be removed to and proceed in this Court, and that no further proceedings be had in said case in the State Court of DeKalb County.

This 31<sup>st</sup> day of January, 2020.

DREW ECKL & FARNHAM, LLP

*s/ Matthew A. Nanninga*

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Matthew A. Nanninga, GA Bar No. 159070

*s/ Alisha A. Dickie*

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Alisha A. Dickie, Georgia Bar No. 641474

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*Attorneys for Defendants*

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05907-130468

**CERTIFICATE OF FONT COMPLIANCE**

Counsel for Defendants hereby certifies that the forgoing has been prepared with one of the font and point selections approved by the Court in LR 5.1(C): Times New Roman (14 point).

This 31<sup>st</sup> day of January, 2020.

*s/ Alisha A. Dickie*

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Alisha A. Dickie, GA Bar No. 641474

*Attorney for Defendants*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served a copy of the within and foregoing **Notice of Removal to Federal Court** upon all parties to this matter by filing with the Court's CM/ECF system, which will automatically e-mail notification of same to the following counsel of record:

Earline Smith-Montgomery, Esq.  
P.O. Box 870707  
Stone Mountain, Georgia 30087-0018

This 31<sup>st</sup> day of January, 2020.

*s/ Alisha A. Dickie*

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Alisha A. Dickie, GA Bar No. 641474  
*Attorney for Defendants*

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